

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

BONNIE R. CLEAVELAND,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-3511-CV-S-SWH-SSA
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

On October 24, 2005, plaintiff Bonnie Cleaveland filed a Motion to Proceed In Forma Pauperis, and an Affidavit of Financial Status in support. Plaintiff's Affidavit clearly shows that she is currently unable to pay the costs of filing this action.

Proceedings in forma pauperis are permitted by statute:

Any court of the United States may authorize the commencement . . . of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefor.

28 U.S.C. § 1915(a).

The Local Rules of the United States District Court for the Western District of Missouri provide:

In forma pauperis status may be reviewed and rescinded by the Court at any time. Some grounds for review and rescission would be if the party becomes capable of paying the complete filing fee or if the Court determines the case is frivolous, or if the Court determines that the applicant has willfully misstated information in the application for leave to proceed in forma pauperis.

Local Rule 83.7(a)(6).

Applying Local Rule 83.7 to the case at hand, the Court will grant plaintiff provisional leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff's in forma pauperis status shall remain subject to review and may be rescinded in the event plaintiff becomes capable of paying any or all of the filing fees in this case. Accordingly, it is

ORDERED that plaintiff's Motion to Proceed In Forma Pauperis (doc #1) is granted. It is further

ORDERED that because of the Case Management/Electronic Case Filing (CM/ECF) system, plaintiff's counsel shall be responsible for electronically filing the Complaint within ten days of this Order. It is further

ORDERED that the Clerk of Court is directed to issue summons and process upon plaintiff's filing of the Complaint and deliver same to the United States Marshal for service upon the defendant. The United States Marshal may first attempt service by certified mail, return receipt requested.

/s/ Sarah W. Hays
SARAH W. HAYS
UNITED STATES MAGISTRATE JUDGE